

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

KOHL, et al.

Internatl. Appl. No.: PCT/EP2003/013604

Serial Number: Not Yet Assigned

Internatl. Filing Date: 03 December 2003 (03.12.2003)

Filing Date: May 27, 2005

Title: **PROCESS FOR PREPARING (S)-PANTOPRAZOLE**

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Application Data Sheet;
- (2) Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- (3) International Publication Number: WO 2004/052881 A2, International Publication Date: 24 June 2004 (24.06.2004), which consists of 14 pages:
 - 1 Page for the Cover Sheet, which contains the Abstract,
 - 10 Pages of Textual Specification,
 - 3 Pages of 20 Claims,
 - 0 Sheets of Drawings;
- (4) **Preliminary Amendment with Appendixes A and B to be Examined;**
- (5) International Preliminary Examination Report (PCT/IPEA/409);
- (6) **PCT Request with Executed Inventor's Declaration (PCT/RO/101);**
- (7) International Publication Number: WO 2004/052881 A3, with International Search Report (PCT/ISA/210);
- (8) Notice Informing the Applicant of the Communication of the International Application to the Designated Offices (PCT/IB/308);
- (9) Information Concerning Elected Offices Notified of their Election (PCT/IB/332);
- (10) Notification Concerning Submission or Transmittal of Priority Document (PCT/IB/304);
- (11) Check Number: 23105 in the amount of \$ 950.00 for Basic Filing Fee, Examination Fee, and Search Fee (\$ 900.00) and for 1 Extra Claim Over 20 (\$ 50.00), as a Large Entity;
- (12) Postcard for Early Notification of the Serial Number Request.

Respectfully submitted,
NATH & ASSOCIATES PLLC

Date: May 27, 2005

By:


Gary M. Nath
Registration Number 26,965
Sheldon M. McGee
Registration Number 50,454
Customer Number 34375

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MAIL STOP PCT

ATTORNEY'S DOCKET NUMBER: 26772U

U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE		DATE: 27 May 2005 (27.05.2005)
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLN. NUMBER: (if known): Not Yet Assigned 10/536891
INTERNATIONAL APPLICATION NUMBER: PCT/EP2003/013604	INTERNATIONAL FILING DATE: 03 December 2003 (03.12.2003)	PRIORITY DATE CLAIMED: 06 December 2002 (06.12.2002) EP 29 August 2003 (29.08.2003) DE
TITLE OF INVENTION: PROCESS FOR PREPARING (S)-PANTOPRAZOLE		
APPLICANT(S) FOR DO/EO/US: Bernhard KOHL; Bernd MÜLLER; Ralf Steffen WEINGART		
<p>Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 USC 371(f)) The submission must include items(5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)): <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) 6. <input type="checkbox"/> A English translation of the International Application as filed (35 U.S.C. 371(c)(2)). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 		
ITEMS 11 to 20 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:		
<ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A FIRST preliminary amendment. 14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A change of power of attorney and/or address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825 18. <input type="checkbox"/> A second copy of the published international application under 35 USC 154(d)(4) 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 USC 154(d)(4) 20. <input checked="" type="checkbox"/> Other items or information: TRANSMITTAL LETTER; APPLICATION DATA SHEET; TRANSMITTAL LETTER TO U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING FILING UNDER 35 U.S.C. 371; INTERNATIONAL PUBLICATION NUMBER: WO 2004/052881 A2, INTERNATIONAL PUBLICATION DATE: 24 JUNE 2004 (24.06.2004), WHICH CONSISTS OF 14 PAGES: 1 PAGE FOR THE COVER SHEET, WHICH CONTAINS THE ABSTRACT, 10 PAGES OF TEXTUAL SPECIFICATION, 3 PAGES OF 20 CLAIMS, 0 SHEETS OF DRAWINGS; PRELIMINARY AMENDMENT WITH APPENDIXES A AND B TO BE EXAMINED; INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT/IPEA/409); PCT REQUEST WITH EXECUTED INVENTOR'S DECLARATION (PCT/RO/101); INTERNATIONAL PUBLICATION NUMBER: WO 2004/052881 A3, WITH INTERNATIONAL SEARCH REPORT (PCT/ISA/210); NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES (PCT/IB/308); INFORMATION CONCERNING ELECTED OFFICES NOTIFIED OF THEIR ELECTION (PCT/IB/332); NOTIFICATION CONCERNING SUBMISSION OR TRANSMITTAL OF PRIORITY DOCUMENT (PCT/IB/304); POSTCARD FOR EARLY NOTIFICATION OF THE SERIAL NUMBER REQUEST. 		

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U.S. APPLICATION NUMBER: (If known): Not yet assigned 107536891	INTERNATIONAL APPLICATION NUMBER: PCT/EP2003/013604	DATE: 27 May 2005 (27.05.2005)																																																					
The following fees are submitted:		CALCULATIONS	PTO USE ONLY																																																				
21. Basic National Fee \$ 300.00		\$ 300.00																																																					
22. Examination Fee If International Preliminary Examination Report prepared by USPTO and all claims satisfy Provisions of PCT Article 33(1)-(4) \$ 100.00 All other situations \$ 200.00		\$ 200.00																																																					
23. Search Fee (37 CFR 1.445(a)(2) has been paid on the International Application to the USPTO as an International Searching Authority ... \$ 100.00 International Search Report prepared and provided to the Office \$ 400.00 All other situations \$ 500.00		\$ 400.00																																																					
— Additional fee for specification and drawings filed in paper over 100 sheets (excluding Sequence listing or computer program listing filed in an electronic medium). The fee is \$ 250.00 for each additional 50 sheets of paper or fraction thereof.		\$ 900.00																																																					
ENTER APPROPRIATE BASIC FEE AMOUNT =																																																							
Surcharge of \$130.00 for furnishing the oath or declaration later than <u>20</u> <u>30</u> months from the earliest claimed priority date (37 CFR 1.492(e)).		\$ 0.00																																																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">CLAIMS</th> <th style="text-align: center;">NUMBER: FILED</th> <th style="text-align: center;">NUMBER: EXTRA</th> <th style="text-align: center;">RATE</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">TOTAL</td> <td style="text-align: center;">21-20=</td> <td style="text-align: center;">1</td> <td style="text-align: center;">X \$ 50.00</td> </tr> <tr> <td style="text-align: center;">INDEPENDENT</td> <td style="text-align: center;">2-3=</td> <td style="text-align: center;">0</td> <td style="text-align: center;">X \$ 200.00</td> </tr> <tr> <td colspan="2" style="text-align: left;">Multiple dependent claims(s) (if applicable)</td> <td style="text-align: center;">+ \$360.00</td> <td style="text-align: center;">\$ 0.00</td> </tr> <tr> <td colspan="4" style="text-align: center;">TOTAL OF ABOVE CALCULATIONS =</td> </tr> <tr> <td colspan="4" style="text-align: center;">Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).</td> </tr> <tr> <td colspan="4" style="text-align: center;">SUBTOTAL =</td> </tr> <tr> <td colspan="4" style="text-align: center;">Processing fee of \$130.00 for furnishing the English translation later than <u>20</u> <u>30</u> months from the earliest claimed priority date (37 CFR 1.492(f)). +</td> </tr> <tr> <td colspan="4" style="text-align: center;">TOTAL NATIONAL FEE =</td> </tr> <tr> <td colspan="4" style="text-align: center;">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +</td> </tr> <tr> <td colspan="4" style="text-align: center;">TOTAL FEES ENCLOSED =</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">Amount to be: refunded</td> <td style="text-align: center;">\$</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">charged</td> <td style="text-align: center;">\$</td> </tr> </tbody> </table>				CLAIMS	NUMBER: FILED	NUMBER: EXTRA	RATE	TOTAL	21-20=	1	X \$ 50.00	INDEPENDENT	2-3=	0	X \$ 200.00	Multiple dependent claims(s) (if applicable)		+ \$360.00	\$ 0.00	TOTAL OF ABOVE CALCULATIONS =				Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).				SUBTOTAL =				Processing fee of \$130.00 for furnishing the English translation later than <u>20</u> <u>30</u> months from the earliest claimed priority date (37 CFR 1.492(f)). +				TOTAL NATIONAL FEE =				Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				TOTAL FEES ENCLOSED =						Amount to be: refunded	\$			charged	\$
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10/1536891 U.S. APPLICATION NUMBER: (If known) Not Yet Assigned	INTERNATIONAL APPLICATION NUMBER: PCT/EP2003/013604	DATE: 27 May 2005 (27.05.2005)
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a. One check in the amount of \$ 950.00 to cover the above fees is enclosed.

b. Please charge my Deposit Account Number: 14-0112 in the amount of \$ to cover the above fees. (A duplicate copy of this sheet is enclosed.)

c. The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account Number: 14-0112.

d. Fees are to be charged to a credit card WARNING: Information on this form may become public Credit Card Information should not be included on this form.
 Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

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